

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LONG : **19-cv-3192**
 : **HON. WENDY BEETLESTONE**
v. : **UNITED STATES DISTRICT JUDGE**
 : **HON. LYNNE A. SITARSKI**
McGINLEY, et. al. : **UNITED STATES MAGISTRATE JUDGE**

JOINT REQUEST TO RESET BRIEFING SCHEDULE

The parties jointly request that the Court reset the present briefing schedule to permit supplemental file review as described below, based on the following:

1. On March 8, 2023, the Court conducted an evidentiary hearing on Claim I of the Habeas Petition.
2. On June 27, 2023, Petitioner filed his post-hearing brief.
3. Per this Court's Order, Respondent's brief-in-response is due on January 24, 2024; and Petitioner's reply is due on February 2, 2024.
4. On January 12, 2024, Respondent's counsel disclosed to Petitioner's counsel that they had discovered another homicide case involving the witness (Rashan Gaffney) who was the subject of the *Brady/Napue* claim that was the central issue in the evidentiary hearing. The Commonwealth's investigation in that case involved a possible reference to the investigation in this case, and one of the defendants in that homicide is the brother of the decedent in this homicide case.

5. Considering the possible relatedness and relevance of that matter to this one, Petitioner's counsel seeks to review the District Attorney's and Homicide Unit's files in that matter, and Respondent's counsel is willing to facilitate that review.

6. The parties agree that the interests of justice will be best served by allowing this review to take place, resetting the present briefing schedule, and granting Petitioner sixty days to determine, based on this review, whether any supplemental pleading should be filed.

WHEREFORE, the parties jointly request that the Court reset the present briefing schedule and allow Petitioner sixty days to conduct the requested review and file any appropriate pleading(s) or notify the Court that no further pleadings will be filed. If no further pleadings are filed, the parties request that Respondent be granted 30 days to file their brief-in-response following the receipt of such notice.

Respectfully Submitted:

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DATE: January 22, 2024
Philadelphia, PA

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ORDER

On this ____ day of January, 2024, pursuant to the agreement of the parties, the Court resets the present briefing schedule to allow Petitioner sixty days to conduct the case-file review he seeks, and to file any appropriate pleading(s), or notify the Court that no further pleadings will be filed. If no further pleadings are filed, Respondent must file its brief-in-response 30 days following the receipt of such notice.

So Ordered:

District Court Magistrate Judge